

IN THE UNITED STATES DISTRICT COURT
FOR MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

Fred L. Plump,)
Plaintiffs,) Civil Action No. 2:07-cv-01014-MEF
v.)
Honorable Bob Riley,)
as Governor of the State of)
Alabama,)
Defendant.)

) 1. Requesting Judge
) Honorable Mark E. Fuller
)
) 2. District Judge
) Honorable W. Harold Albritton
)
) 3. Circuit Judge
) Honorable Rosemary Barkett
)

DESIGNATION OF THREE-JUDGE COURT

(42 U.S.C. § 1973c and 28 U.S.C. § 2284)

ORDER

The Requesting Judge, Honorable Mark E. Fuller, to whom an application for relief has been presented in the above cause, having notified me that the action is one required by Act of Congress to be heard and determined by a District Court of three judges, I, J. L. Edmondson, Chief Judge of the Eleventh Circuit, hereby designate Circuit Judge Rosemary Barkett and District Judge W. Harold Albritton III to serve with the Requesting Judge, Mark E. Fuller, as members of the said Court to hear and determine the action.

This designation and composition of the three-judge court is not a prejudgment, express or implied, as to whether this is properly a case for a three-judge, rather than a one-judge, court. This is a matter best determined by a three-judge court as this enables a simultaneous appeal to the Court of Appeals and to the Supreme Court without the delay, awkwardness, and administrative insufficiency of proceeding by way of mandamus from either the Court of Appeals, the Supreme Court, or both, directed against the Chief Judge of the Circuit, the presiding district judge, or both. The parties will be afforded the opportunity to brief and argue all questions before the three-judge court, either preliminarily or on the trial of the merits, or otherwise, as the Court thinks appropriate.

DATED this 28th day of November 2007.

J. L. EDMONDSON
Chief of the Eleventh